NABOTH'S VINEYARD.

12

SPEECH

OF

HON. CHARLES SUMNER,

OF MASSACHUSETTS,

ON THE PROPOSED ANNEXION OF "THE ISLAND OF SAN DOMINGO;"

DELIVERED

IN THE SENATE OF THE UNITED STATES,

DECEMBER 21, 1870.

"1. And it came to pass after these things, that Naboth the Jezreelite had a vineyard, which was in zrcel, hard by the palace of Ahab king of Samaria.
"2. And Ahab spake unto Naboth, saying, Give me thy vineyard, that I may have it for a garden of rbs, *because it is near unto my house;* and I will give thee for it a better vineyard than it; or, if it seem od to thee, *I will give thee the worth of it in money.*
"3. And Naboth said to Ahab, *The Lord forbid it me, that I should give the inheritance of my fathers unto ee.*"—1 *Kings*, chap. xxi, v. 1–3.

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1870.

SPEECH

The Senate having under consideration the joint resolution authorizing the appointment of commissioners in relation to the Republic of Dominica—

Mr. SUMNER spoke as follows:

Mr. PRESIDENT: The resolution before the Senate commits Congress to a dance of blood. It is a new step in a measure of violence. Already several steps have been taken, and Congress is now summoned to another.

Before I proceed with the merits of this question, so far as such language can be used with reference to it, and as I see the Senator from Ohio [Mr. SHERMAN] in his seat, I wish to answer an argument of his yesterday. He said that the resolution was simply one of inquiry, and that therefore there could be no objection to it. I was astonished when I heard one of his experience in this Chamber and his familiarity with legislation characterize the pending proposition simply as a resolution of inquiry. The Senator is mistaken. It is a joint resolution creating three offices under the Constitution of the United States, offices contemplated in the Constitution itself, and specially mentioned by name in the act of 1856 to regulate the diplomatic and consular systems of the United States. I read the first section of that act, as follows:

"That embassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, *commissioners*, and *chargés d'affaires*, and secretaries of legation, appointed to the countries hereinafter named in schedule A shall be entitled to compensation for their services, respectively, at the rates per annum hereinafter specified; that is to say, embassadors and envoys extraordinary and ministers plenipotentiary, the full amounts specified therefor in said schedule A; ministers resident and *commissioners*, seventy-five per cent."

Now, sir, by this joint resolution the President is authorized to appoint three "commissioners," and also a "secretary," the latter to be versed in the English and Spanish languages, to proceed to the island of San Domingo, and to inquire into, ascertain, and report certain things. I say this is a legislative act creating three new offices, but the Senator says that it is simply a resolution of inquiry. Even suppose the offices are not diplomatic, they are none the less offices. Let me put a question to the Senator. Suppose a joint resolution were brought forward authorizing the appointment of three commissioners to proceed to England in order to ascertain the condition of United States securities and the possibility of finding a market there; according to his assumption it would be a resolution of inquiry only. Would he allow it to pass without reference to the Committee on Finance? Would he not insist that it was a legislative act opening a most important question, which should be considered by the appropriate committee?

The Senator is too experienced to be put aside by the suggestion that the commissioners shall serve without compensation except the payment of expenses. Does this alter the case? With-

out those words in this joint resolution the general diplomatic law would take effect, and it would at least be a question if they would not be entitled to the salary of $7,500 per annum. And yet a joint resolution, creating three new offices, is called simply a resolution of inquiry! Sir, the Senator is mistaken; and his mistake in this matter illustrates other mistakes with reference to the important subject now before the Senate.

Is it right that these commissioners shall serve without compensation? Is not the laborer worthy of his hire? If they are proper men, if among them is that illustrious professor, my much honored friend, who has been referred to already, Mr. Agassiz, is it right to expect him to give his invaluable services without compensation? The requirement that the service shall be of this kind will necessarily limit it either to the rich or to the partisan. It does not open a free field to talent, to fitness, to those various qualities so important on the commission.

I hope that the Senator will reconsider his judgment, that he will see that we cannot treat the pending proposition with the levity—he will pardon me—with which he treated it. Sir, it is something more than a resolution of inquiry. It is a serious measure, and it begins on its face by an affront to the Constitution of the United States, which expressly declares that the President "shall nominate, and, by and with the advice and consent of the Senate, shall appoint embassadors, other public ministers, and consuls;" but by this resolution he is to appoint commissioners without the advice and consent of the Senate; and yet this resolution is accepted by my honorable friend, the Senator from Ohio.

The Senator, it seems to me, has not comprehended the object of this resolution. To my mind it is plain. It is simply to commit Congress to the policy of annexion. I insist upon this point: the object of the resolution, and I will demonstrate it, is to commit Congress to the policy of annexion. Otherwise, why is the resolution introduced? The President does not need it. Under existing powers he is authorized to appoint agents, if he pleases, to visit foreign countries, and he is supplied with a secret-service fund by which their expenses may be defrayed. The President does not need this resolution. It is an act of supererogation so far as he is concerned, and it is also contrary, so far as I am informed, to the precedents of our history.

Agents of an informal character, informally called commissioners, and not acting under any statute, have been appointed in times past by the Executive. I have a memorandum before me of several occasions. In 1811–12 the President dispatched Mr. Poinsett and Mr. Scott to Buenos Ayres and Caracas to ascertain the condition of those two countries with a view to the recognition of their independence. In 1817 he dispatched Mr. Bland, Mr. Rodney, and Mr. Graham to Buenos Ayres again, and also to Chili; and in 1820 he dispatched Mr. Prevost and Mr. Forbes all for the same object. The reports of those gentlemen will be found spread out at length in the State papers of our country, printed by the authority of Congress; but you will search in vain through your statute-book for any act or joint resolution creating the commission. It was constituted by the President himself, with the assistance of the Secretary of State, and it was the Secretary of State who communicated their report to Congress.

Therefore do I say this joint resolution, as it now stands, is entirely unnecessary. The President has all the power it pretends to give. He may, if he sees fit, appoint agents, calling them any name that he pleases, calling them commissioners or anything else,—he may appoint agents to any extent, of any number, to visit this island and report with regard to its condition. He may give in charge to his envoys all the matters named in this joint resolution. All these he may write in their commission; and when they return he may, as was done in other days, communicate their report to Congress.

Therefore do I say the joint resolution is absolutely unnecessary; and I call the attention of my honored friend, the Senator from Indiana, who champions it, to this special point. I ask him to show its necessity; I ask him to show any good purpose it can serve; I ask him to show why it is brought forward on this occasion unless to commit Congress to the policy of annexation. Sir, I stand on this

position; and I say, knowing the powers of the President under this Government, knowing the practice of this Government, that this resolution is completely superfluous, and that its single purpose, so far as one can see any purpose in its terms, is to commit Congress to what I shall show in a very few moments is a most unjustifiable policy.

Sir, others may do as they please; others may accept this policy; I will not. I have already set myself against it, and I continue now as firm against it as ever. The information which I have received since our discussions last year has confirmed me in the conclusions which I felt it my duty then to announce. In now presenting those conclusions I beg to say that I shall forbear from considering whether the territory of Dominica is desirable or not; I shall forbear from considering its resources, even its finances, even its debt—menacing as I know it is to the Treasury of our country—except so far as that debt brings Hayti into this debate. Some other time these other topics will be proper for consideration. For the present I shall confine myself to grounds on which there can be no just difference.

I object to this proposition, because it is a new stage in a measure of violence, which, so far as it has been maintained, has been upheld by violence ever since. I use strong language, but only what the occason requires. As Senator, as patriot, I cannot see my country suffer in its good name without an earnest effort to save it.

The negotiation for annexation began with a person known as Buenaventura Baez. All the evidence, official and unofficial, shows him to be a political jockey. But he could do little alone; he had about him two other political jockeys, Cazneau and Fabens; and these three together, a precious copartnership, seduced into their firm a young officer of ours, who entitled himself "aid-de-camp to the President of the United States." Together they got up what was called a protocol, in which the young officer entitling himself aid-de-camp to the President proceeds to make certain promises for the President. Before I read from this document, I desire to say that there is not one word showing that at the time this "aid-de-camp" had any title or any instruction to take this step. If he had, that title and that instruction have been withheld; no inquiry has been able to penetrate it. At least the committee which brought out the protocol did not bring out any such authority. The document is called "a protocol," which I need not remind you, sir, is in diplomatic terms the first draft of a treaty, or the memorandum between two Powers in which are written down the heads of some subsequent convention; but at the time it is hardly less binding than a treaty itself, except, as you are well aware, under the Constitution of the United States it can receive no final obligation without the consent of the Senate. This document begins as follows:

"The following bases, which shall serve for framing a definitive treaty between the United States and the Dominican republic, have been reduced to writing and agreed upon by General Orville E. Babcock, aid-de-camp to his Excellency General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican republic, and Mr. Manuel Maria Gautier, secretary of State of the departments of the interior and of police, charged with the foreign relations of the said Dominican republic."

Here you see how this young officer, undertaking to represent the United States of America, entitles himself "aid-de-camp to his Excellency General Ulysses S. Grant, President of the United States of America, and his special agent to the Dominican republic." Sir, you have experience in the Government of this country; your post is high, and I ask you, do you know any such officer in our Government as "aid-de-camp to his Excellency the President of the United States?" Does such designation appear in the Constitution, in any statute, or in the history of this Republic anywhere? If it does, your information, sir, is much beyond mine. I have never before met any such instance. This young officer stands alone in using the lofty title. I believe, still further, that he stands alone in the history of free Governments. I doubt whether you can find a diplomatic paper anywhere in which any person undertaking to represent his Government has entitled himself aid-de-camp of the chief of the State. The two duties are incompatible according to all the experience of history. No aid-de-camp would be appointed commissioner; and the assumption of this exalted and exceptional character by this young

officer shows at least his inexperience in diplomacy, if not his ambition to play a great part. Doubtless it had an effect with Baez, Cazneau, and Fabens, the three confederates. They were pleased with the eminence of the agent. It helped on the plan they were engineering.

The young aid-de-camp then proceeds to pledge the President as follows:

"I. His Excellency General Grant, President of the United States, promises *privately* to use all his influence in order that the idea of annexing the Dominican republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment."

Shall I read the rest of the document? It is somewhat of the same tenor. There are questions of money in it, cash down, all of which must have been particularly agreeable to the three confederates. It finally winds up as follows:

"Done in duplicate, *in good faith*, in the city of San Domingo, the 4th day of the month of September, A. D. 1869.

ORVILLE E. BABCOCK.
MANUEL MARIA GAUTIER."

In "good faith," if you please, sir.

I have heard it said that Orville E. Babcock did not write "aid-de-camp" against his name at the bottom of the protocol. This was not necessary. The designation of a person in such documents always appears at the beginning; as, for instance, in a deed between two parties. It is not written against the name.

Therefore we have here a "protocol," so entitled, signed by a young officer who entitles himself "aid-de-camp of his Excellency, the President of the United States," and who promises for the President that he shall privately use all his influence in order that the idea of annexing the Dominican republic to the United States may acquire such a degree of popularity among members of Congress as will be necessary for its accomplishment. Such was the promise. Senators about me know how faithfully the President has fulfilled it, how faithfully he has labored, privately and publicly, even beyond the protocol—the protocol only required that he should work privately—privately and publicly, in order that the idea of annexing the Dominican republic should be agreeable to Congress.

The young officer, aid-de-camp of the President of the United States, with this important and unprecedented document in his pocket, returned to Washington. Instead of being called to account for this unauthorized transaction, pledging the Chief Magistrate to use his influence privately with Congress in order to cram down a measure that the confederates justly supposed to be offensive, he was sent back with directions to negotiate a treaty. I would not allude to that treaty if it had not been made the subject of discussion by the President himself in his annual message. You know it. The treaty itself is not on your tables legislatively; it has never been communicated legislatively to Congress. The other House, which may be called to act upon this important measure, can know nothing of that treaty, and what we know of it we cannot speak of even in this debate. We can simply speak of its existence, for the President himself has imparted that to Congress and to the country. The treaty exists; and now the practical question is by what means was it negotiated? I have described to you the three confederates who seduced into their company the aid-de-camp of the President; and now I have to aver, and I insist that the evidence will substantiate what I say, that at the time of the signature of the treaty of annexion Baez was sustained in power by the presence of our naval force in the waters of the Dominican Government. Go to the documents, and you will find that what I say is true. Confer with naval officers, confer with honest, patriot citizens who know the case, and they will all testify that without the presence of our ships of war in those waters Baez would have been powerless.

This is not all, sir; I broaden the allegation. Ever since the signature of the treaty, and especially since its rejection, Baez has been sustained in power by the presence of our naval force. Such I aver to be the fact. I state it with all the responsibility of my position and with full conviction of its truth. I ask you, sir, to go to the State Department and Navy Department and read the reports there on file, and I feel sure that what I state will be found to be substantially true. I ask you also to confer with any naval officer who has been there, or with any patriot citizen.

Sir, this is a most serious business. Nothing more important to the honor of the Repub-

lic has occurred for long years. How many of us now are hanging with anxiety on the news from Europe? There stand matched in deadly combat two great historic foes, France and Germany, France now pressed to the wall; and what is the frequent report? That Bismarck may take Louis Napoleon from his splendid prison and place him again on the throne of France there to obtain from him that treaty of surrender which the republic never will sign. Are we not all indignant at the thought? Why, sir, it was only the other day that a member of the Cabinet, at my own house, in conversation on this question, said that nothing could make him more angry than the thought that Bismarck could play such a part, and that by this device France might be despoiled. And now, sir, this is the very part played by the American Government. Baez has been treated as you fear Bismarck may treat Louis Napoleon. You call him "president;" they call him there "dictator;" better call him "emperor," and then the parallel will be complete. He is sustained in power by the Government of the United States that he may betray his country. Such is the fact, and I challenge any Senator to deny it. I submit myself to question, and challenge the Senator from Indiana, who, as I have already said, champions this proposition, to deny it. I challenge him to utter one word of doubt of the proposition which I now lay down, that Baez is maintained in power by the naval force of the United States, and, that being in power, we seek to negotiate with him that he may sell his country. It cannot be denied. Why, sir, the case has a parallel in earlier days——

Mr. MORTON rose.

Mr. SUMNER. Allow me to give one more illustration, and then the Senator may interfere. It has a parallel in earlier days, when the British Government selected the king of the Mosquitoes as their puppet on the margin of Central America. They called the Indian chief a king, and actually sent to him certain "regalia" and other signs of royal honor, and then pretending to act under him, they claimed the jurisdiction of that region. Are we not now treating Baez in some measure as England treated the Mosquito king?

Mr. MORTON. Will the Senator allow me to ask him a question?

Mr. SUMNER. Certainly.

Mr. MORTON. If this commission go down there they can return an answer to all these broad statements of the Senator, whether they are true or not. The Senator understands that; but I wish to ask him if he does not know that in answer to all this that he is talking about it has been urged that all parties in San Domingo, whether they are for Baez or Cabral, or whoever they are for, are for annexion? If that is true, all this is utterly immaterial except as something thrown in to obscure this subject before the public. I aver—and the commission will show it—that all parties, whether against the Baez government or for it, are equally for annexion, and if that is true all this is frivolous.

Mr. SUMNER. Mr. President, I alluded yesterday to the late prime minister of France, who said that he accepted war "with a light heart." The Senator from Indiana speaks in the same vein. He says that my allegation is "frivolous." Sir, never was there a more important allegation brought forward in this Chamber. Frivolous! Is it frivolous when I see the flag of my country prostituted to an act of wrong? Is it frivolous when I see the mighty power of this Republic degraded to an act of oppression? Nothing frivolous——

Mr. EDMUNDS. What do you say as to the point, what are the wishes of the people of that country?

Mr. SUMNER. I was remarking on the charge of frivolity—perhaps the Senator will let me finish on that head; I had not finished. I say that there is nothing frivolous in the suggestion; I insist that it is grave. It is too grave; it is oppressive to this Government and this country. The Senator from Indiana asks, why not send out this commission? He always comes back to his commission, Why not send these men out? I say, why send them out when we now have in the archives of this Republic evidence that this very Baez is sustained in power by the naval force of the United States, and that he now looks to this force for protection? Can you send out a commission under such circumstances without making yourself a party to the transaction?

And now I answer still further. The Senator asks if I am not aware that all persons there are in favor of annexion, and the inquiry is repeated by my friend, the Senator from Vermont. I answer categorically, no; I am not aware of it. I understand the contrary. I have at least as good information as any accessible during the last week, and it is not four days old, just to the contrary. There are two chieftains in Dominica—one the political jockey with whom our Government has united and is now sustained in power by our naval force, and the other is Cabral, who, as I have been assured by one who is bound to be well informed, represents the people of his country, besides being *de jure* its head. Some time ago Cabral favored the sale of the bay of Samana to the United States; but I am assured that he has never favored annexion to the United States. I am assured that his policy is to bring the two Governments of Dominica and Hayti once more together, as they were down to the revolution and war which lasted from 1846 to 1848, terminating in the uncertain independence of the Dominican part of the island.

Now, I have answered categorically the inquiries of my two friends. The evidence, as I have it, is not that these two chieftains are agreed. On the contrary, there is between them discord; they differ from each other—one seeking unity for these two Governments, the other seeking to sell his country for a price. But, whatever may be the sentiment of the people, whether Baez and Cabral agree or disagree, I come back to the single practical point that Baez has been, and is now, maintained in power by the naval force of the United States. Deny it, if you can. All this is still worse when it is considered that the very constitution of Dominica, under which the adventurer professes to hold power, provides that there shall be no transfer to any foreign Power of any portion of the country.

Now, sir, try this again. Suppose during our civil war Louis Napoleon, in an evil hour, had undertaken to set up Jefferson Davis as the head of this Government, and then to make a treaty with him by which Texas, said to have been much coveted by the emperor, should be yielded and become part of Mexico, which itself was to become more or less part of France. Suppose Louis Napoleon had undertaken such an enterprise, how should we feel? Would not the blood boil? Would it be commended at all because we were told that there were large numbers in the southern States who favored it? And yet this is precisely what the United States are now doing in the bay of Samana and the port of St. Domingo.

This may be seen in another light. We complain of taxes. Do you know what we have paid during this year in carrying out this sorrowful policy? I have here an article which I cut from a New York paper last evening, being a letter from St. Domingo city, dated December 6, 1870, from which I will read a sentence:

"The United States war steamer Swatara is on a cruise, the Yantic is at St. Domingo city, and the Nantasket is at Samana."

Three ships out of the small Navy of the United States occupying these waters to enforce this policy! If force were not to be employed why these three ships? Why the necessity of any ship? Tell me. Can there be good reason?

When I think of all this accumulated power in those waters, those three war vessels, with the patronage naturally incident to their presence, it is not astonishing that there is on the seaboard, immediately within their influence, a certain sentiment in favor of annexion. But when you penetrate the interior, beyond the sight of their smoke, at least beyond the influence of their money, it is otherwise. There the sentiment is adverse. There it is Cabral who prevails. So at least I am assured. But whether one or the other prevails, the objection is the same. You violate the first principles of self-government and of constitutional liberty when you lend your power to either.

Sir, I have presented but half of this case, and perhaps the least painful part. I am now brought to another aspect of it. This naval force to which I have referred has also been directed against the neighboring republic of Hayti, (the only colored Government now existing in the world, a republic seeking to follow our great example,) penetrating its harbors and undertaking to dictate what it should do. If you will read again the reports at the Navy Department you will find that I do not overstate when I say that they have undertaken

to dictate to the Government of Hayti what it should do. Nor is this all. In an unhappy moment the commodore of an American fleet, going ashore, allowed himself to insult and menace the Government there, saying that if it interfered in any way with the territory of Dominica he would blow the town down. So I have been informed by one who ought to know. You look grave, sir. Well you may. I wish I could give you the official evidence on this assumption; but I am assured, on evidence that I regard as beyond question, that this incident has occurred. In what school was our commodore reared? The mother of Tittlebat Titmouse told him that he must be careful never to fight with a boy of his size. An American commodore, in the same spirit, undertakes to insult a sister republic too weak to resist. Of course, if he did this on his own motion and without instructions from Washington he ought to be removed, and, in my judgment, rather than carry out such instructions he ought to have thrown his sword into the sea.

Senators murmur. There is a rule of morals and of honor above all other rules, and no officer of Army or Navy can consent to do an act of wrong. This was the voice of our fathers during the Revolution. How we praised and glorified those British officers who refused to serve against them, generously sacrificing their commissions rather than enforce a tyranny. Often have I honored in my heart of hearts that great man, one of the greatest in English history, Granville Sharpe, foremost of all England's abolitionists, because while an humble clerk and poor in one of the departments in London, he resigned his post rather than sustain that policy toward the colonies which he regarded as wrong.

No naval officer should have allowed himself to use such a menace toward this weak republic. By their very weakness were they entitled to kindness; and yet, sir, their weakness was the occasion for the insult they received. Think you, sir, that he would have used such language toward England or France? I think not.

All this is aggravated when we consider the relations between Dominica and Hayti, and bring this incredible transaction to the touchstone of international law. Dominica and Hayti became one under President Boyer in 1828, and the whole island continued as a unit until 1844, when Dominica rose against Hayti, and after bloody conflict of four years, in 1848 succeeded in securing its independence.

Mr. MORTON. Mr. President——

The VICE PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. SUMNER. Yes, sir.

Mr. MORTON. Will the Senator allow me to suggest that it might help to a better understanding of the proposition he is about to state if he will say that they became one by the conquest of Hayti, not by consent, but by force of arms?

Mr. SUMNER. I said that they became one in 1828 and that they continued one till 1844. To what extent arms played a part I have not said. Suffice it to say that Dominica constituted part of the Government of Hayti, which was administered under the name of Hayti. In 1838, while the two constituted one, a treaty was made with France, which I have before me, by which the Haytien Government agreed to pay, in certain annual installments, the sum of 60,000,000 francs. Since the separation of the two, Hayti has proceeded with those payments, and I think the Senator over the way will not deny that there is at least grouud of claim on the part of Hayti against Dominica for contribution to those payments.

Mr. MORTON. Will the Senator allow me to ask him a question about that? because I do not desire to take up the time of the Senate in answering him, and that is this: whether the debt for which Hayti agreed to pay France 60,000,000 francs was not for spoliations upon the property of French citizens in Hayti, and not in Dominica, and with which Dominica never had anything to do? That is the fact about it.

Mr. SUMNER. Nothing is said in the treaty before me of the consideration for these payments.

Mr. MORTON. The history of the transaction shows that.

Mr. SUMNER. History shows, however, that the two Governments were one at this time, and I have to submit that there is at least a question whether Dominica is not liable to Hayti on that account. All will see the

question, while Hayti insists upon the liability of Dominica. I mention this that you may see the relation between the two Governments.

But this is not all. Besides the treaty with France, there is another between Hayti and Dominica. I have no copy of it. The resolution which I introduced the other day calls for it. I became acquainted with it through the protest which I hold in my hand, made by the Government of Hayti to Mr. Seward, as Secretary of State, and dated at Washington the 5th of February, 1868, against the sale and purchase of the Bay of Samana. In the course of this protest I find the following allegation:

"That there is a treaty between the Government of Hayti and that of St. Domingo to the effect that no part of the island can be alienated by either of the two Governments."

Now, the point which I present to the Senate and seek to impress is that Hayti having these claims on Dominica is interdicted from their pursuit by an American commodore.

But perhaps I may be told—I see my friend, the Senator from Indiana, is taking notes—that the American commodore was justified under the law of nations. I meet him on that point. How could he be justified? How could the law of nations sanction such a wrong? The only ground would be that during the pendency of the negotiation, or while the treaty was under consideration, the Government of the United States would protect the territory to be transferred. I have seen that impossible pretension put forth in newspapers. I call it "impossible." It is unfounded in the law of nations. Our ships, during the negotiation of the treaty and during its consideration in the Senate, had no more right or power in those waters than before the negotiation. Only when the treaty was consummated by the act of the Senate, giving to it advice and consent, could we exercise any semblance of jurisdiction there. Every effort at jurisdiction until that time was usurpation. I read now from Wheaton's authoritative work on international law, page 337, being part of the section entitled, "The treaty-making power dependent on the municipal constitution:"

"In certain limited or constitutional monarchies the consent of the legislative power of the nation is, in some cases, required for that purpose. In some republics, as in that of the United States of America, the advice and consent of the Senate are essential to enable the chief executive magistrate to pledge the national faith in this form. In all these cases it is consequently an implied condition, in negotiating with foreign Powers, that the treaties concluded by the executive Government shall be subject to ratification in the manner prescribed by the fundamental laws of the State."

The Chief Magistrate can pledge the national faith only according to the Constitution. Now, I turn to another place in this same authoritative work, being page 718, and read as follows:

"A treaty of peace binds the contracting parties from the time of its signature."

Then follows an emphatic note from the very able commentator, Mr. Dana:

"It would be more exact to say, 'from the time at which the treaty is concluded.' If the political constitution of a party to the treaty requires ratification by a body in the State the treaty is conditional until so ratified."

The treaty, therefore, had no effect until ratified by the Senate, and, I repeat, every attempt at jurisdiction in those waters was a usurpation and an act of violence; I think I should not go too far if I said it was an act of war. If a commodore leaves his quarter-deck, pulls ashore, and, with his guns commanding a town, threatens to blow it down, is not this an act of war?

In Great Britain the exclusive prerogative of making treaties is in the Crown, and so in most other countries it is in the executive; but I need not remind you that in our country it is otherwise. The exclusive prerogative here is not in the Executive; it is in the President, by and with the advice and consent of the Senate and until that advice and consent have been given he can exercise no power under that treaty. Those waters were as sacred as the waters about France or about England. He might as well have penetrated the ports of either of those countries and launched his menace there as have penetrated the waters of this weak Power and launched his menace.

I have called it an act of war—war, sir, made by the Executive without the consent of Congress. I read important words from the decision of the Supreme Court of the United States in a well-known case, Brown *vs.* The United States, which will be found in 8 Cranch's Reports, page 153:

"When the legislative authority has declared war

the executive authority, to which its execution is confided, is to carry it into effect."

If Congress had declared war against this feeble republic, then it would have been the part of the Executive to carry that declaration into effect; but until then what right had our Executive to do this thing? None which can be vindicated by the laws of our country, none except what is found in the law of force.

This outrage by our Navy upon a sister republic is aggravated by the issue which the President of the United States in his annual message has directly made with the president of Hayti. Of course, sir, the President of the United States when he prepared his message was familiar with a document like that which I now hold in my hands, entitled "The Moniteur, official journal of the republic of Hayti," under date of Saturday, the 24th of September, 1870, containing the message of the president of Hayti addressed to the National Assembly. This message is divided into sections or chapters, with headings, not unlike a message or document in our own country. And now, sir, listen to what the president of Hayti in this annual message says of the project of annexion, and then in one moment listen to the issue which the President of the United States has joined with this president; I translate it literally:

"The project of annexion of the Dominican part has been rejected by the American Senate. The anxieties which this annexion caused to spring up have been dissipated before the good sense and the wisdom of the Senate at Washington."

Of course the President of the United States was intimate with this document. He could not have undertaken to hurl his bolt against this feeble republic without knowing at least what their president had said. I will not do him the wrong to suppose him ignorant. His Secretary of State must have informed him. He must have known the precise words that President Saget had employed when he said that the anxieties caused by this annexion were dissipated before the good sense and wisdom of the Senate at Washington. Our President joins issue with President Saget; he says that the rejection of the treaty was a "folly." There you have it. The president of the black republic calls the rejection an act of "good sense and wisdom;" the President of the United States calls it an act of "folly." Am I wrong? Let me read from the message of our President:

"A large commercial city will spring up, to which we will be tributary without receiving corresponding benefits, and then will be seen the folly of our rejecting so great a prize."

So the two stand; President Saget and President Grant; President Grant speaking with the voice of forty millions, and this other president who has only eight hundred thousand people, all black.

If the President of the United States had contented himself with thus joining issue with the president of Hayti I should have left the two face to face; but not content with making this issue, the President of the United States proceeds to menace the independence of Hayti. Sir, the case is serious. Acting in the spirit of his commodore, he nine times over makes this menace. I have the message here, and now I substantiate what I say. The part relating to this subject begins:

"During the last session of Congress a treaty for the annexation of the republic of San Domingo to the United States failed to receive the requisite two-thirds vote of the Senate."

Here he speaks of the rejection of the treaty for the annexion of Dominica, calling it "the republic of San Domingo." This is distinctive. Then he proceeds to demand the annexion of the whole island. I read as follows:

"I now firmly believe that the moment it is known that the United States have entirely abandoned the project of accepting as a part of its territory the *island of San Domingo* a free port will be negotiated for by European nations in the Bay of Samana."

I say nothing of the latter part of the proposition; I leave that to the judgment of the Senate; but here you have a proposition for the whole island of San Domingo. The Senate have rejected a treaty for the annexion of the republic of San Domingo.

Mr. MORTON. Mr. President——

Mr. SUMNER. The Senator will not interrupt me now. I shall finish this statement presently, and then he may interrupt me. Having thus laid down his basis proposing the annexion of the whole island, which is called by the geographers sometimes Hayti and sometimes San Domingo, the President then proceeds to his second menace:

"The acquisition of San Domingo is desirable because of its geographical position."

He has already described it as "the island of San Domingo," and it is desirable because of its geographical position, an argument as applicable to Hayti as to Dominica.

Then he proceeds to the third:

"San Domingo, with a stable government, under which her immense resources can be developed, will give remunerative wages to tens of thousands of laborers *not now upon the island.*"

Mark the words; "not now upon *the island!*" It is the island always in view!

Then comes the fourth:

"San Domingo will become a large consumer of the products of northern farms and manufactories."

It is the whole island.

Then the fifth:

"The acquisition of San Domingo is an adherence to the Monroe doctrine."

Though nothing in this place is said of the whole island, of course those words are necessarily associated with the previous words, while the argument from the Monroe doctrine is just as applicable to Hayti as to Dominica.

Then the sixth:

"In view of the importance of this question, I earnestly urge upon Congress early action expressive of its views as to the best means of acquiring San Domingo."

Referring back, of course, to what he has already said. Then he proposes a commission to negotiate a treaty "with the authorities of San Domingo *for the acquisition of that island*, and that an appropriation be made to defray the expenses of such commission." Here is the proposition undisguised.

And he winds up by the ninth:

"So convinced am I of the advantages to flow from the acquisition of San Domingo," &c.

Thus nine times——

Mr. MORTON rose.

Mr. SUMNER. Not quite yet. The Senator will take notice when I have done with this point, and then he shall have the floor. Nine times in this message has the President, after joining issue first with the president of Hayti—nine times has he menaced the independence of the Haytien republic. Some remarkable propositions at times are received with nine cheers. Here is a menace nine times over; and throughout the whole of that San Domingo column, written with so much intensity, we are called to consider commercial, financial, material advantages, and not one word is lisped of justice or humanity, not one word of what we owe to the neighboring republic of Hayti, nine times menaced.

Mr. MORTON rose.

Mr. SUMNER. I know what my friend from Indiana is about to say, that all this is accidental. This is hard to believe. Nine accidents in one column! Nine accidents of menace against a sister republic! There is a maxim of law which I was taught early and have not entirely forgotten, that we are bound to presume that every document is executed solemnly and in conformity with rule. Sir, we are bound to believe that the President's message was carefully considered. There can be no accident in a President's message. A President's message is not a stump speech. It is not a Senate speech. It is a document, every line of which must have been carefully considered, not only by the President himself, but by every member of his Cabinet.

There are Senators here who have been familiar with messages in other years and know how they are prepared. I have one in my mind which within my knowledge occupied the consideration of the Cabinet three full days; I think four, if not five; every single sentence being carefully considered, read by itself, revised, sounded with the hammer, if I may so express myself, like the wheels of a railroad car, to see that it had the true ring. Of course the message of a President of the United States must go through such an examination. I will not follow the Senator from Indiana in doing the injustice to the President of supposing that his message was ill-considered; that it was not carefully read over with his Cabinet; that every sentence was not debated; and that these words were not all finally adopted as expressing the sentiments of the President. At any rate there they stand in the message. Now, any word in a message, as in a queen's speech, even loosely or inconsiderately proposing anything adverse to the independence of a country, is in the nature of a menace. My language is not too strong. In such a case a word is a blow.

History is often said to repeat itself. More

or less it does. It repeats itself now. This whole measure of annexion, and the spirit with which it is pressed, find a parallel in the Kansas and Nebraska bill, and in the Lecompton constitution, by which it was sought to subjugate a distant Territory to slavery. The Senator from Indiana was not here during those days, although he was acting well his part at home; but he will remember the pressure to which we were then exposed; and now we witness the same things—violence in a distant island, as there was violence in Kansas; also the same presidential appliances; and, shall I add, the same menace of personal assault filling the air? All this naturally flowers in the presidential proposition that the annexion shall be by joint resolution of the two Houses of Congress,—so that we have violence to Dominica, violence to Hayti, violence to Public Law, including violence to the constitution of Dominica, and also to a Treaty between Dominica and Hayti, crowned by violence to the Constitution of the United States.

In other days, to carry his project, a President tried to change a committee. It was James Buchanan. And now we have been called this session to witness a similar endeavor by our President. He was not satisfied with the Committee on Foreign Relations as constituted for years. He wished a change. He asked first for the removal of the chairman. Somebody told him that this would not be convenient. He then asked for the removal of the Senator from Missouri, [Mr. SCHURZ,] and he was told that this could not be done without affecting the German vote. He then called for the removal of my friend the Senator from New Hampshire, [Mr. PATTERSON,] who unhappily had no German votes behind him. It was finally settled that this could not be done.

I allude to these things reluctantly and only as part of the case. They illustrate the spirit we are called to encounter. They illustrate the extent to which the President has fallen into the line of bad examples.

Sir, I appeal to you, as Vice President. By official position and by well known relations of friendship you enjoy opportunities which I entreat you to use for the good of your country, and, may I add, for the benefit of that party which has so justly honored you. Go to the President, I ask you, and address him frankly with the voice of a friend to whom he must hearken. Counsel him to shun all approach to the example of Franklin Pierce, James Buchanan, and Andrew Johnson; tell him not to allow the oppression of a weak and humble people; ask him not to exercise War Powers without authority of Congress, and remind him kindly but firmly that there is a grandeur in Justice and Peace beyond anything in material aggrandizement, beyond anything in war.

Again I return to the pending resolution, which I oppose as a new stage in the long-drawn machination. Am I wrong in holding up this negotiation, which has in it so much of violence—violence toward Dominica, violence toward Hayti? Of course the proposed treaty assumes and adopts the civil war pending in the territory annexed. This is the terrible incumbrance. No prudent man buys a lawsuit; but we are called to buy a bloody lawsuit. I read now the recent testimony of Mr. Hatch, who, while in favor of annexion, writes as follows, under date of South Norwalk, Connecticut, December 12, 1870:

> "I have not, however, looked with favor upon the project as it has been attempted to be effected; and I firmly believe if we should receive that territory from the hands of President Baez, while all the leading men of the Cabral party, the most numerous, the most intelligent, and the wealthiest, are in prison, in exile, or in arms against Baez, without their having a voice in the transfer, it would result in a terrible disaster."

Be taught, if you please, by the experience of Spain, when in 1860 this Power, on the invitation of a predecessor of Baez, undertook to play the part we are asked to play. Forts were built and troops were landed. By a document which I now hold in my hand it appears that when at last this Power withdrew she had expended forty millions of hard Spanish dollars and "sacrificed sixteen thousand of the flower of her army." From another source I learn that ten thousand Spanish soldiers were buried there. Are we ready to enter upon this bloody dance? Are we ready to take up this bloody lawsuit?

Vain to set forth, as the message does, all manner of advantages, "commercially and materially." What are these if Right and Humanity are sacrificed? What are these

without that priceless blessing, Peace? I am not insensible to the commercial and material prosperity of my country. But there is something above these. It is the honor and good name of the Republic, now darkened by an act of wrong. If this territory, so much coveted by the President, were infinitely more valuable than it is, I hope the Senate would not be tempted to obtain it by trampling on the weak and humble. Admit all that the advocates of the present scheme assert with regard to the resources of this territory, and then imagine its lofty mountains bursting with the precious metals, its streams flowing with amber over silver sands, where every field is a garden of the Hesperides, blooming with vegetable gold, and all this is not worth the price we are called to pay.

There is one other consideration, vast in importance and conclusive in character, to which I allude only, and that is all. The island of San Domingo, situated in tropical waters and occupied by another race, of another color, never can become a permanent possession of the United States. You may seize it by force of arms or by diplomacy, where a naval squadron does more than the minister; but the enforced jurisdiction cannot endure. Already by a higher statute is that island set apart to the colored race. It is theirs by right of possession; by their sweat and blood mingling with the soil; by tropical position; by its burning sun, and by unalterable laws of climate. Such is the ordinance of nature, which I am not the first to recognize. San Domingo is the earliest of that independent group, destined to occupy the Caribbean sea, toward which our duty is plain as the Ten Commandments. Kindness, beneficence, assistance, aid, help, protection, all that is implied in good neighborhood, these we must give, freely, bountifully; but their independence is as precious to them as is ours to us, and it is placed under the safeguard of natural laws which we cannot violate with impunity.

Long ago it was evident that the great Republic might fitly extend the shelter of its protection to the Governments formed in these tropical islands, dealing with them graciously, generously, and in a Christian spirit—helping them in their weakness, encouraging them in their trials, and being to them always a friend; but we take counsel of our supposed interests rather than theirs, when we seek to remove them from the sphere in which they have been placed by Providence.

I conclude as I began. I protest against this legislation as another stage in a drama of blood. I protest against it in the name of Justice, outraged by violence; in the name of Humanity insulted; in the name of the weak trodden down; in the name of Peace imperiled, and in the name of the African race, whose first effort at Independence is rudely assailed.

Later in debate

Mr. SUMNER spoke in reply as follows:

Mr. PRESIDENT: So far as the Senator from Michigan [Mr. CHANDLER] arraigns me as a member of the Republican party I have no reply. He knows that I am as good a Republican as himself; he knows that I have had as much to do with the making and support of the party as himself; and when CHARLES SUMNER finds the Senators over the way ranging under his banner, as the Senator predicts, this country will be regenerated, for the Democratic party will be Republican.

But I do reply to the questions of fact. And now, sir, I am obliged to make a statement—the Senator compels me—which I had hoped not to make. The President of the United States did me the honor to call at my house—it was nearly a year ago, during the recess. Shortly after coming into the room he alluded to certain new treaties already negotiated, with regard to which I had no information. Sir, you must expect me to speak frankly. The President addressed me four times as chairman of the Judiciary Committee, adding that the treaties would come before the Judiciary Committee, and on this account he wished to speak with me.

He proceeded with an explanation, which I very soon interrupted, saying: "By the way, Mr. President, it is very hard to turn out Governor Ashley; I have just received a letter from the Governor, and I hope I shall not take too great a liberty, Mr. President, if I read it. I find it excellent and eloquent, and written with a feeling which interests me much."

I commenced the letter and read two pages or more, when I thought the President was uneasy, and I felt that perhaps I was taking too great a liberty with him in my own house, but I was irresistibly impelled by loyalty to an absent friend, while I was glad of this opportunity of diverting attention from the treaties. As conversation about Governor Ashley subsided the President returned to the treaties, leaving on my mind no very strong idea of what they proposed, and absolutely nothing with regard to the character of the negotiation. My reply was precise. The language is fixed absolutely in my memory: "Mr. President," I said, "I am an Administration man, and whatever you do will always find in me the most careful and candid consideration." Those were my words.

I have heard it said that I assured the President that I would support his administration in this measure. Never. He may have formed this opinion; but never did I say anything to justify it; nor did I suppose he could have failed to appreciate the reserve with which I spoke. My language, I repeat, was precise, well-considered, and chosen in advance: "I am an Administration man, and whatever you do will always find in me the most careful and candid consideration." In this statement I am positive. It was early fixed in my mind, and I know that I am right.

And, sir, did I not give to the treaties the most careful and candid consideration? They were referred to the committee with which I am connected. I appeal to my colleagues on that committee if I did not do all that I promised. When I first laid them before the committee it was very evident that there was a large majority against them. Indeed, there was only one member of the committee who said anything in their favor. I then stated that I hoped our conversation would be regarded as informal, and that there would be no immediate vote, or any course which could be interpreted otherwise than friendly to the Administration. Too prompt action might be misconstrued.

My desire was to proceed with utmost delicacy. I did not know then, what I have learned since, how the President had set his heart upon the project of annexion. With my experience of treaties, familiar as I have been with them in the Senate, I supposed that I was pursuing the course most agreeable to him, and should the report be adverse, most respectful and considerate. This I state, sir, on my conscience as my solemn judgment at the time and my motive of conduct. I wished to be careful and candid. It was easy to see from the beginning that annexion had small chance in the committee, whatever might be its fate in the Senate; but I was determined to say and do nothing by which the result should in any way be aggravated. Again, I appeal to every one of my colleagues on that committee for their testimony in this behalf. I know that I am above criticism. I know that I have pursued a patriotic course, always just and considerate to the President; and I tell the Senator from Michigan, who has served with me so long in this Chamber, that he does me great injustice. Some time or other he will see it so. He may not see it now; but he ought to rise in his place and at once correct the wrong.

Perhaps I need not say more, and yet there has been so much criticism upon me to-night that I proceed a little further. Here was my friend at my right, [Mr. NYE,] who, having shot his shaft, has left. I wish that he had praised me less and been more candid. His praise was generous; but his candor certainly less marked than his praise. I might take up every point of his speech and show you the wrong that he did me. He is not in his seat. I wish he were. [Mr. NYE entered the Chamber from one of the cloak-rooms.] Oh, there he comes. He said that I was against inquiry. No such thing. I am for inquiry. I wish all the documents now on the files of the State Department and of the Navy Department spread before Congress and before the country. To this end I have introduced a resolution which is now on your table; I wish this information before any other step is taken in this business. Instead of being against inquiry, I am for it and in that way which will be most effective. But the resolution which I introduced, asking for the most important testimony, all documentary in character, is left on the table, while a different proposition, legislative in character and in no respect a resolution of inquiry, but an act creating three new officers under the Constitution, is pressed on the Senate, and,

as I demonstrated to-day, for the obvious purpose of associating Congress with this scheme of annexion. The whole question of annexion was opened, and I felt it my duty to show at what cost to the good name of this Republic the scheme has been pursued down to this day. I entered upon this exposure with a reluctance which I cannot express; but it was with me a duty.

My friend at my right [Mr. NYE] says—I took down his words I think—that I saw nothing in the President's message except what he said about San Domingo. I was speaking of San Domingo, and not of the other topics; nor was I speaking of the President. There again my friend did me injustice. I was speaking of annexion, and it is my habit, I think you will do me the justice to say, Mr. President, to speak directly to the questions on which I undertake to address the Senate. At any rate, I try to confine myself to the point; and the point to-day was annexion, and nothing else. I was not called to go to the right or to the left, to enter upon all the various topics of the message, whether for praise or censure. The message was not under discussion, except in one single point. Nor was I considering the merits of the Administration or the merits, whether civil or military, of the President; but the annexion of San Domingo, on which I felt it my duty to express myself with the freedom which belongs to a Senator of the United States.

The Senator here [Mr. NYE] says, and the Senator over the way, [Mr. MORTON,] I think, said the same thing, that I have assailed the President. I have done no such thing. I alluded to the President as little as possible, and never except in strict subordination to the main question. On this question of annexion I feel strongly; not, as the Senator [Mr. NYE] has most uncandidly suggested, from any pride of opinion, or because I have already expressed myself one way and the President another, but because for long years I have felt strongly always when human rights are assailed. I cannot see the humble crushed without my best endeavor against the wrong. Long ago I read those proud words by which Rome in her glory was described, as making it her business to spare the humble, but to war down the proud. I felt that we had before us a case where the rule was reversed, and in an unhappy hour our Government was warring down the humble. So it seemed to me on the evidence.

Do I err? Then set the facts before the people that they may judge; but as I understand those facts, whether from official documents or from the testimony of officers or citizens who have been in that island latterly, Baez has been maintained in power by the arms of the United States. So I understand it. Correct me if I am wrong; but if the facts be as I believe, you must leave me to my judgment upon them.

Both my honorable friends, the Senator on my right [Mr. NYE] and the Senator over the way, [Mr. MORTON,] have said that I sought to present an unfavorable comparison between the president of Hayti and the President of the United States; and the Senator over the way went into an elaborate arraignment of the Haytian president. Sir, I had no word of praise for that president. The Senator is mistaken. From his message, which I now hold in my hand, I read his congratulation that the project of annexion had been defeated by the "good sense and the wisdom" of the Senate at Washington; and I then read from the message of the President of the United States what I supposed was the issue he intended to join with the Haytian president, characterizing this very rejection of annexion on the part of the Senate as "folly;" and I put the two messages on that point face to face, and there I left them. I said nothing to praise Saget or to arraign Grant. Sir, I have no disposition to do either. I only wish to do my duty simply and humbly, pained and sorry that I am called to differ from so many valued friends, but then still feeling that for me there is no other course to pursue.